

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE:

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SUBJECT:

Supplement to Response Funding Action Memorandum:  
Duane Marine Salvage Corporation

FROM:

William *William Thomas*  
Emergency and Remedial Response Division, Region IIRECEIVED  
12/14/84

TO:

Lee M. Thomas, Assistant Administrator  
Solid Waste and Emergency Response (WH-562A)

The purpose of this memorandum is to clarify two factual matters which are discussed in the original Action Memorandum concerning the above-referenced site, which I sent to you on November 30, 1984.

A. Region II would like to make it clear that it has considered and rejected the option of using no other immediate response measure than upgraded security (i.e., 24-hour guards, fence repair, and warning signs) at the Duane Marine site to comprise EPA's CERCLA §104 Removal Action.

Those measures are considered sufficient only until the contemplated Removal Action is completed -- that is, until the site is made safe by a cleanup.

Justification EPA's justification for its proposed action is not based solely on facts cited to document the threats of human exposure (through direct contact) to hazardous substances on the site, and of arson. Arson and direct contact are the major issues of concern, but not the only ones.

EPA has documented the potential for fire from other causes than arson, such as accidents. This potential arises from the presence of flammable substances in containers on the site. We have evidence of the use of fireworks on and near the site; fires could also be started by electrical sparks, or natural causes.

EPA has documented the presence of non-flammable caustics in drums on the site. Human contact with some of these caustics has been mentioned (vandalism of drums, resulting in spills). It should be noted that these drums have been standing in the open for at least five years, and that we think that their deterioration over time could cause further spills, thus becoming an urgent matter of concern.

Our removal action proposal is also based on documentation of continued leaking and spilling of hazardous substances onto the soil and into the waters of the Arthur Kill. Severely contaminated soil is to be removed and properly disposed of. Liquid contents of all leaking closed tanks on the site are to be removed.



EPA has documented the leaking of PCB-contaminated oil from buried crushed containers, into the Arthur Kill as well as onto the soil. It is possible that the removal action would address the problem of the buried tanks, depending upon the availability of funds after other tasks are completed.

The Program staff have reserved discretion to address the containment of leaks or spills, depending upon their assessment of the threat of fire or direct contact or environmental harm presented by the leaks, taken together with their assessment of fund availability.

B. Given the fact that EPA does not have specific information as to the particular contents of those drums on the site which have not yet been sampled, it should be made clear that after the sampling has been completed, EPA contemplates the proper disposal of those found to contain hazardous substances.